

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**  
**TUESDAY, JANUARY 24, 2017 – 7:00 P.M.**

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Father Dan Beeman, Holy Trinity Catholic Church, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Mr. Thomas, Dr. Whibley, and Mr. Alexander.

President Alexander moved to excuse Ms. Graves from today's meeting.

**Motion adopted.**

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander

No: None.

## **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

## **CEREMONIAL MATTER**

Visiting the Council this week was the Chesapeake Chapter of Jack and Jill America, Inc., an organization that introduces students to city government. Mayor Alexander introduced Stephanie Cuffee, President, Debra Wells, Alexis Smith and Kenneth Cooper Alexander Jr.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to modify **Appendix C** in the **Table of Contents** within *plaNorfolk2030* to adopt by reference the *Military Circle/Military Highway Urban Development Area: A Vision for the Future* and to modify several actions in the Neighborhood chapter pertaining to the Military Circle/ Military Highway area.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *plaNorfolk2030*, **SO AS TO** adopt and incorporate the plan entitled "**Military Circle/Military Highway Urban Development Area: A Vision for the Future**" and to add new action items to support and incorporate the Plan," was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Deborah Forehand**, to closing, vacating and discontinuing a portion of **Cleveland Street**.

Wayne Lassiter, 120 Abilene Avenue, applicant and Suzanne Duncan, 133 Abilene Avenue, co-applicant, were present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of **Cleveland Street** from the western line of **Abilene Avenue**," was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Cole Roberts**, for a change of zoning from R-5 (Single-Family) District to R-8 (Single-Family) District on property located at **5813-5815 Bartee Street**.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at **5813 and 5815 Bartee Street** from R-5 (Single-Family Residential) District to R-8 (Single-Family Residential) District," was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

### **CONSENT AGENDA**

C-1

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of \$27,857.00 plus interest to **QED Systems, Inc.** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$145,000.00 from the **Virginia Department of Behavioral Health and Developmental Services** to the **Norfolk Community Services Board** to implement the **Strategic Prevention Framework** to prevent prescription drug abuse and heroin overdoses in youths and young adults and appropriating and authorizing for expenditure of the grant funds for the framework implementation.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-3

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$305,295.00 from the **Virginia Department of Behavioral Health and Developmental Services** to the **Norfolk Community Services Board** to support the continuance of the **Norfolk Community Services Board Crisis Intervention Program** and appropriating and authorizing for expenditure of the grant funds for the program.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$200,000.00 from the **Virginia Department of Behavioral Health and Developmental Services** to the **Norfolk Community Services Board** to enhance the **Norfolk Community Services Board Program of Assertive Community Treatment** to serve forensically-involved individuals and appropriating and authorizing for expenditure of the grant funds for the program.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$952,773.00 from the **Virginia Department of Behavioral Health and Developmental Services** to the **Norfolk Community Services Board** to implement the **Virginia Road2Home Project** to improve access to treatment and end homelessness for single adults experiencing chronic homelessness with mental illness or substance abuse disorders and appropriating and authorizing the expenditure of the funds for the project.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a grant award of \$350,000.00 from the **Virginia Department of Behavioral Health and Developmental Services** to the **Norfolk Community Services Board** to provide permanent supportive housing through housing resources and rental assistance to consumers of the **Norfolk Community Services Board** and appropriating and authorizing the expenditure of the funds to provide the housing and rental assistance.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting and appropriating up to the sum of \$787,927 from the **Virginia Department of Fire Programs** for the **“Aid-to-Localities”** program.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance authorizing the acceptance of a **Community Development Block Grant** award of up to \$113,138,020.00 from the **Commonwealth of Virginia** through its **Department of Housing and Community Development**, appropriating and authorizing the expenditure of the grant funds, and, authorizing the **Grant Agreement** necessary for the receipt and expenditure of the grant funds.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

### **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance to schedule a **Council Retreat** by changing the starting time of the regular weekly City Council meeting scheduled for **Tuesday, February 14, 2017, at 7:00 p.m. to February 13, 2017, at 12.00 p.m.** and to move the location of said meeting from the **Council Chamber** of the City Hall building to the **Slover Library**,” was introduced in writing and read by its title.

The Ordinance was amended to change the start time of the meeting on February 13<sup>th</sup> from 8:30 a.m. to 12:00 p.m.

**ACTION:** The Ordinance as amended was **adopted**, as effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the conveyance of a utility easement by **Union Mission Holding Corporation** to the **City of Norfolk** and authorizing the City Manager to accept the **Deed of Easement** on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance repealing **Ordinance numbers 39,982 and 42,619** relating to civil charge assessments for wetlands and sand dunes violations, and approving the receipt and appropriation of civil charge assessments and payments made in lieu of mitigation as required by the **Norfolk Wetlands Board**, and allowing expenditures up to amount of collected revenue, to be used solely as approved by the City Manager for tidal wetlands,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Atlantic CommTech Corporation** to encroach into the right-of-way between **2509 Walmer Avenue** and **5423 Henneman Drive** with the installation and maintenance of fiber optic cable to be attached to existing utility poles,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Norfolk Hotel Associates, LLC** permission to encroach into the rights-of-way of **Main Street, Granby Street** and **Concord Lane** with various structures and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Norfolk Hotel Associates, LLC** and **Norfolk Redevelopment and Housing Authority** permission to encroach into the rights-of-way of **Plume Street** and **Concord Lane** with various structures and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Memorandum of Agreement** with **Southside Boys & Girls Club** for the use of certain City owned property known as the **Southside Stem Academy at Campostella** for providing **21<sup>st</sup> Century Community Learning Center** programs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.



R-8

Letter from the City Manager and a Resolution entitled, “A Resolution approving the exercise by the **Norfolk Redevelopment and Housing Authority of Powers Conferred** by the **Virginia Housing Authorities Law, Chapter 1, Title 36 of the Code of Virginia of 1950**, as amended, in conjunction with the issuance of the Authority’s tax-exempt multi-family housing revenue bonds in the amount of up to \$14,000,000, the proceeds of which will be loaned to **Sumler Terrace Preservation, L.P. (The “Applicant”)**, to assist the Applicant in (i) financing the acquisition and rehabilitation of a multifamily apartment complex known as **Sumler Terrace Apartments** and located at **720 Appomattox Street, Norfolk, Virginia**, and (ii) financing capitalized interest on the bonds, reserves for the bonds, and certain costs incurred in connection with the issuance of such bonds, as applicable and permitted by law,” was introduced in writing and read by its title.

David Pearson, the attorney, 1111 Main Street, Richmond, VA, Richard Hurlbert, 1111 Main Street, Richmond, VA, and Aliceson Cary, 1111 Main Street, Richmond, VA, were present to answer questions.

**ACTION:** The Resolution as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-9

Letter from the City Attorney and a Resolution entitled, “A Resolution opposing **House Bill No. 2108** and requesting the **General Assembly** to reject this and any companion bill limiting or impeding a locality’s ability to utilize and manage its communications infrastructure,” was introduced in writing and read by its title.

Ellis W. James, 2021 Kenlake Place, stated that opposing this bill is extremely important and that he is very concerned about the intent across the Commonwealth. He thanked Ms. McClellan for pointing out that Virginia Beach voted on this matter. Mr. James requested that parking be validated at the Slover for the retreat.

**ACTION:** The Resolution as introduced was **adopted**, effective January 24, 2017.

Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, “An Ordinance approving **Joseph P. Baron as High Constable** so long as he is Sheriff and assigning the **1998 Agreement** between the Sheriff and City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.  
Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.  
No: None.

R-11

An Ordinance entitled, “An Ordinance requesting that no **special election** be held,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 24, 2017.  
Yes: Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.  
No: None.

## **NEW BUSINESS**

1. Danny Lee Ginn, 3844 Dare Circle, thanked Mr. Smigiel for keeping the lines of communication open. He also stated that he has a viewpoint and that is what keeps him coming back to express that point of view. Mr. Ginn said that Mr. Smigiel stated the matter of his expressing concerns about Mr. Riddick has gone on too long. He stated that Council has failed to address concerns regarding Mr. Riddick’s behavior.